

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Art Unit : 1745
Examiner : Ben Lewis
Applicants : William James Moore et al.
Appln. No. : 10/713,833
Filing Date : November 14, 2003
Confirmation No. : 2557
For : ALKALINE ELECTROCHEMICAL CELL

Dear Sir:

AMENDED APPEAL BRIEF REPLACEMENT SECTION RESPONSIVE TO NOTICE OF
NON-COMPLIANT APPEAL BRIEF (37 C.F.R. § 41.37)

In response to the Notification of Non-Compliant Appeal Brief mailed May 21, 2008, Appellants hereby submit a replacement section providing the status of the claims as required under 37 C.F.R. § 41.37(c)(1)(iii). A Notification of Non-Compliant Appeal Brief stated that the status of claims does not identify the status of all the claims filed in the application, and that the entire brief was not needed for the correction. The following replacement section replaces the status of claims section and addresses the aforementioned concerns.

The fees required under § 41.20(b)(2) have already been submitted and no additional fees are due. However, if there is any fee due in connection with the filing of this document, please charge the fee to our Deposit Account No. 16 2463.

Replacement Status of Claims begin on page 2 of this paper.

Remarks begin on page 3 of this paper.

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III. Replacement Status of Claims

This is an appeal from the Final Rejection of claims 1-16 and 24-51, mailed on December 13, 2007. Claims 17-23 are cancelled. Claims 1-16 and 24-51 are currently pending in the present application and are rejected. No claims currently stand allowed. The rejection of claims 1-16 and 24-51 is appealed.

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REMARKS

The replacement status of claim section contains a statement regarding the status of all claims in compliance with 37 C.F.R. § 41.37(c)(1)(iii), to thereby overcome the notice of non-compliant appeal brief. Appellants respectfully assert that the appeal brief is compliant and requests that the Appeal Board reverse the Examiner's rejections and pass the application to issuance.

Respectfully submitted,

June 5, 2008
Date

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